

[3418]

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT APPEAL NO: 1448 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against order Dated 10/12/2024 in WP.No.900 of 2024. on the file of the High Court.

Between:

Smt. Dharavath Sharada, W/o. Dharavath Narender, Age 50 Years, R/o. H.No.8-43-4/14 Street No.4, West Balaji Hills Boduppal, Hyderabad - 500 092.

(Implead Petition as per Court Ordered Dated 10/12/2024 in IA.No.3 of 2024).

.....APPELLANT

AND

1. The State of Telangana, Represented by the Principle Secretary, Medical Health and Family Welfare Department, Government of Telangana, State Secretariat, Hyderabad.
2. The Vice Chancellor, Kaloji Narayana Rao University of Health Sciences, Nizampura, WARANGAL - 506 007 State of Telangana.
3. The Registrar, Kaloji Narayana Rao University of Health Sciences, Nizampura, WARANGAL - 506 007 State of Telangana.
4. The Director of Medical Education, Government of Telangana, Koti, Hyderabad.
5. The Principal and Addl. DME, Kakatiya Medical College, Nizampura, Rangampet Street, Warangal Telangana - 506 007.
6. Dr. M.A. Saiff Ali, S/o. Sd. Wajid Asgar Rasheed, Age 27 Years, Occ. Medical Student, R/o. H.No.25-11-257/1, Bapujinagar, Kazipet, Hanamkonda, Telangana State.

.....RESPONDENTS

I.A.NO:2 OF 2024

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

suspend the operation of Order in WP No. 900 of 2024 dated 10/12/2024 passed by the Hon'ble Justice K. Lakshman during the pendency of appeal.

Counsel for Appellant : SRI M.VENKANNA

**Counsel for Respondent No.1 : SRI R.NAGARJUNA REDDY, AGP FOR
MEDICAL HEALTH AND FAMILY WELFARE**

**Counsel for Respondent Nos.2 & 3 : SRI T.SHARATH, SC FOR KALOJI
NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES**

Counsel for Respondent No.6 : SRI CH.SRIKANTH

The Court made the following judgment : -

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No. 1448 OF 2024

JUDGMENT: *(Per the Hon'ble Sri Justice J. Sreenivas Rao)*

This intra court appeal has been filed by the appellant aggrieved by the common order passed by the learned Single Judge in Writ Petition No.900 of 2024, dated 10.12.2024 whereunder the writ petition filed by respondent No.6 was allowed.

2. Heard Sri M.Venkanna, learned counsel for the appellant, Sri T.Sharath, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences for respondent Nos.2 and 3 and Sri R.Nagarjuna Reddy, learned Assistant Government Pleader for Health, Medical and Family Welfare Department for respondent No.1, on admission.

3. **Brief facts of the case:**

3.1 Facts giving rise to filing of this writ appeal briefly stated are that respondent No.6 was admitted into medical post-graduate Course in Anesthesia for the academic year 2021-22 at Kakatiya Medical College, MGM Hospital, Warangal/respondent No.5 which is affiliated to respondent No.3-University and he was suspended by the respondent No.5-College through notice dated 09.06.2023 for a

period of one year with effect from 04.03.2023 on the ground that one Dr. Preethi committed suicide due to his harassment, for which Crime No.69 of 2023 was registered against him by the Police, Matwada for the offences punishable under Sections 306 and 354 of Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(w)(ii), 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Questioning the said suspension order, respondent No.6 filed W.P.No.15669 of 2023 and the same was allowed by the learned Single Judge of this Court on 11.09.2023 setting aside the suspension notice dated 09.06.2023 issued by the respondent No.5-College. However, it is open to the respondents therein to initiate fresh action by following principles of natural justice by providing reasonable opportunity to respondent No.6 and following the procedural guidelines prescribed in the National Medical Commission (Prevention and Prohibition of Ragging in Medical Colleges and Institutions) Regulations, 2021 (for short 'the NMC Regulations, 2021'), the Governing Act as on date and in particular Regulation No.23. Thereafter, respondent No.5-College issued notices dated 25.09.2023 and 26.09.2023 to respondent No.6 to submit explanation as to why disciplinary action should not be taken against him for the lapses.

3.2 Questioning the said notices, respondent No.6 filed W.P.No.27381 of 2023 and the learned Single Judge of this Court

passed order on 03.10.2023 directing respondent No.5 College not to take any coercive steps against respondent No.6 in pursuance of the notices dated 25.09.2023 and 26.09.2023 for a period of two weeks from the date of receipt of a copy of the said order and further directed respondent No.5 College to consider the reply dated 29.09.2023 submitted by respondent No.6 and pass appropriate order in accordance with law duly communicating the same to him. On 30.09.2023, respondent No.5 College issued notice permitting respondent No.6 to join in the college. Accordingly, respondent No.6 joined in the College on 04.10.2023. On 16.10.2023, respondent No.5 College served a notice to the respondent No.6 directing him to tender his answer to set of questions. Respondent No.5-College informed respondent No.6 through letter dated 01.11.2023 that the said answers will be placed before ARC. Respondent No.6 through letter dated 02.11.2023 requested respondent No.5 College to permit him to take assistance of a lawyer at the time of personal enquiry by the Anti-Ragging Committee (for short 'ARC'). On 06.11.2023, respondent No.5 College informed respondent No.6 that ARC meeting was fixed on 09.11.2023 and requested him to attend the meeting.

3.3 It is further averred that respondent No.6 submitted concluding remarks on 10.11.2023 instead of submitting on 09.11.2023, and on 13.11.2023 respondent No.5 College informed

that the ARC has submitted its recommendation report and therefore, a show-cause notice dated 13.11.2023 was issued to respondent No.6. On 13.11.2023, respondent No.6 has submitted a representation to respondent No.5 College to provide a copy of minutes of ARC meeting and the same was not considered. On 13.11.2023 respondent No.5 College issued two notices informing respondent No.6 that the decision of ARC meeting was already informed to him. Questioning the subsequent notice, respondent No.6 filed W.P.No.31910 of 2023. The learned Single Judge on 20.11.2023 directed respondent No.6 to submit a detailed explanation in writing to respondent No.5 College, pursuant to the show cause notice dated 13.11.2023 within a period of two weeks from the date of receipt of copy of order and respondent No.5 College shall consider the same duly taking into consideration the specific observations and the directions of this Court *vide* order dated 11.10.2023 in W.P.No.15669 of 2023 and pass appropriate reasoned order in accordance with law, within a period of four weeks from the date of receipt of explanation from respondent No.6 and till such time, respondent authorities therein are directed not take any coercive steps against respondent No.6.

3.4 Pursuant to the above said order dated 11.10.2023 in W.P.No.31910 of 2023, respondent No.5 College through letter dated 19.12.2023 furnished the copy of minutes of the ARC meeting

to respondent No.6 and directed him to submit explanation within a period of seven days. Accordingly, respondent No.6 submitted explanation on 27.12.2023. Thereafter, respondent No.5 College suspended respondent No.6 from the College through proceedings dated 08.01.2024.

3.5 Questioning the above said suspension order dated 08.01.2024, respondent No.6 filed W.P.No.900 of 2024. In the said writ petition, the learned Single Judge granted interim order on 18.01.2024 suspending the said order and issued further direction to the respondents therein to permit respondent No.6 herein to attend the College.

3.6 While things stood thus, respondent No.2 University had issued examination Notification dated 29.10.2024 proposing to conduct NEET Post-graduation examination. Respondent No.6 has submitted representation dated 13.11.2024 to respondent No.5 College to furnish attendance certificate. Accordingly, respondent No.5 College issued attendance certificate dated 19.11.2024, wherein it was mentioned that respondent No.6 was absent for 227 days. Questioning the said Certificate, respondent No.6 filed W.P.No.32848 of 2024 and the learned Single Judge allowed the above said two writ petitions on 10.12.2024 by way of common order and set aside the suspension order dated 08.01.2024 and

issued direction that respondent No.5 College shall upload the attendance particulars of respondent No.6 pursuant to the Notification dated 29.10.2024 and permit him to appear in the upcoming Medical Post-graduation (MD/MS) Regular Examinations, January, 2025 by marking attendance for the period from 20.02.2023 to 03.10.2023. Thus, the appellant has filed the present writ appeal.

4. Submissions of learned counsel for the appellant:

4.1 Learned counsel for the appellant has submitted that the learned Single Judge without properly considering the contentions raised by the appellant in I.A.No.3 of 2024 and the submissions made by him during the course of hearing, allowed the writ petition and the same is contrary to law.

4.2 He further submitted that respondent No.6 involved in a serious crime of suspicious death of daughter of the appellant and respondent No.6 is not allowed to enjoy the benefit of pursuing his post-graduation. He further submitted that as per Chapter V, Regulation 5.5 of NMC Regulations, 2023, respondent No.6 is not eligible to appear post-graduate examination, as he is not having 80% of attendance and the learned Single Judge beyond the Rules and Regulations had passed the impugned order and the same is contrary to law.

5. Analysis:

5.1 Having considered the submissions made by the learned counsel for the appellant and perused the records. Admittedly, respondent No.6 filed W.P.No.900 of 2024 questioning the suspension order/letter dated 08.01.2024 issued by respondent No.5 College imposing the punishment of suspension of one year. In the said writ petition, the learned Single Judge granted interim order on 10.01.2024 suspending the said order and directed the respondents therein to permit respondent No.6 to attend the College. While things stood thus, respondent No.2 University had issued examination Notification dated 29.10.2024 proposing to conduct post-graduate examinations. Pursuant to the said Notification, respondent No.6 submitted representation dated 13.11.2024 to respondent No.5 College to furnish the attendance certificate. Accordingly, respondent No.5 College had issued attendance certificate dated 09.11.2024, wherein it was mentioned that respondent No.6 was absent for 227 days. Questioning the said certificate, respondent No.6 filed W.P.No.32848 of 2024. The Writ Petition Nos.900 and 32848 of 2024 were clubbed together and the learned Single Judge allowed the above two writ petitions and set aside the punishment of suspension order against respondent No.6 dated 08.01.2024 and issued direction to respondent No.5 College that the College shall up-load the attendance particulars of

respondent No.6 pursuant to the Notification dated 29.10.2024 and permit him to appear in the upcoming Medical Post-graduate (MD/MS) Regular Examinations, January, 2025 by marking attendance for the period from 20.02.2023 to 03.10.2023.

6. Admittedly, the appellant filed the present writ appeal against the order passed in W.P.No.900 of 2024 only and she has not filed any writ appeal against the order passed in W.P.No.32848 of 2024, though the learned Single Judge passed common order and allowed both the writ petitions by way of common order.

7. The contention of the learned counsel for the appellant that respondent No.6 involved in a serious crime of suspicious death of daughter of the appellant for which, Crime No.69 of 2023 was registered by the Police, Matwada for the offences punishable under Sections 306 and 354 IPC and Sections 3(1)(r), 3(1)(w)(ii), 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, is not tenable under law, on the ground that the learned Single Judge allowed the writ petition by setting aside the punishment of suspension order dated 08.01.2024 passed by respondent No.5 College and also allowed W.P.No.32848 of 2024, wherein respondent No.6 sought relief directing the respondents therein to allow him to appear in the upcoming Medical Post-graduate (MD/MS) Regular Examinations, January 2025 vide

Examination Notification dated 29.10.2024 by earmarking attendance between 22.02.2023 to 3.10.2023. The appellant has not questioned the order/directions issued by the learned Single Judge in W.P.No.32848 of 2024 and the appellant filed the present writ appeal only against the order passed in W.P.No.900 of 2024, wherein respondent No.6 questioned the punishment order passed by respondent No.5 College dated 08.01.2024 suspending him for a period of one year.

8. It is pertinent to mention that respondent No.6 filed writ petitions questioning the action of respondent No.5 in imposing punishment of suspension of order dated 08.01.2024 and also attendance certificate dated 19.11.2024 issued by respondent No.5 College and sought consequential direction permitting him to appear for Medical Post-graduate (MD/MS) Regular Examinations, January, 2025 pursuant to the Notification dated 29.10.2024 issued by respondent No.3 University. The learned Single Judge allowed the writ petitions by giving cogent reasons. The appellant has not mentioned any reasons nor raised any ground, by virtue of the order passed by the learned Single Judge, how the rights of the appellant are going to be affected. Insofar as the contention of the learned counsel for the appellant that respondent No.6 is involved in a serious crime of suspicious death of the daughter of the appellant is concerned, Crime No.69 of 2023 was already registered

against him. Keeping in view the above-said facts and circumstances, this Court is of the view that in case respondent No.6 is not permitted to attend the said examinations, it would cause irreparable loss to him, inasmuch as, he will not be able to complete his post graduate course. By virtue of attending the examination, the appellant will not cause any irreparable injury, and it will not affect the investigation.

9. For the foregoing reasons, we do not find any ground to differ with the view taken by the learned Single Judge.

10. In the result, the Writ Appeal fails and is hereby dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

//TRUE COPY//

SD/- M. MANJULA
DEPUTY REGISTRAR

SECTION OFFICER

To

1. Two CCs to GP FOR MEDICAL HEALTH AND FAMILY WELFARE, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI M.VENKANNA, Advocate [OPUC]
3. One CC to SRI CH.SRIKANTH, Advocate (OPUC)
4. One CC to SRI T.SHARATH, SC FOR KALOJI NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES (OPUC)
5. Two CD Copies

SA
GJP

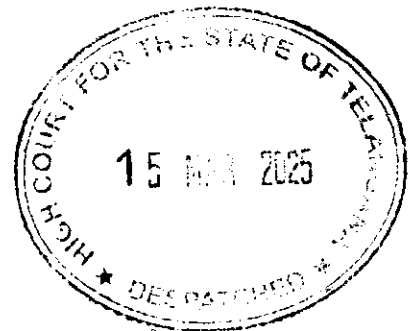
CHP

HIGH COURT

DATED:03/01/2025

JUDGMENT

WA.No.1448 of 2024



**DISMISSING THE W.A
WITHOUT COSTS.**

*8/CLER
14/2/25*